



THE BANKRUPTCY ADVISOR



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Clerk's Office Prepares for New Bankruptcy Law

As the date approaches for full implementation of the 2005 Bankruptcy Reform Act, the Office of the Clerk is busy analyzing how the new law will affect court staff as well as bankruptcy practitioners in the Northern District of Florida. The *Bankruptcy Abuse Prevention and Consumer Protection Act of 2005* was signed into law by President George W. Bush on April 20, 2005. Some components of the new law became effective immediately while the majority of the changes go into effect on October 17, 2005.

The new law represents the most significant revision of the bankruptcy laws in over 25 years. Highlights of the 435 page Act include a "means test" for Chapter 7 filers, changes in the homestead exemption, credit counseling and financial management courses, standardization in calculating living expenses, additional disclosure requirements and the narrowing of the scope of discharge.

The approach taken by the Clerk's Office to implement key provisions of the new law is similar to the approach taken by the Court during the conversion to CM/ECF in November, 2003. Over the past several weeks, staff members have examined requirements of the new law in light of established filing procedures and current internal operating procedures. Procedures impacted by the new law are being re-designed and new procedures are being developed where necessary. Clerk's Office staff anticipate spending most of the month of September creating and solidifying new procedures. As expected, implementation of the new law will have substantial impact on the CM/ECF system. To date there have been approximately 90 filing events identified which will need to be created or modified and at least 20 new or modified bankruptcy forms which will need to be added to the system.

For attorneys, the new bankruptcy law adds new concepts to the practice of bankruptcy law. The presumption of abuse in consumer Chapter 7 cases, for example, can now arise from a "means test" implemented under the new law.

While many of the new mandates under the law appear to be directed at debtors and their attorneys, the law also requires additional monitoring by trustees. The Clerk of Court, Bill Blevins, is working with trustees in the

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"REFORM ACT" – CONTINUED FROM PAGE 1

Northern District as well as the Office of the United States Trustee in preparing for the creation of new forms, events and procedures.

The Clerk's Office will be communicating with members of the bar using numerous methods over the next few weeks to help attorneys understand the changes in procedures, forms and the CM/ECF system. Emails sent to registered CM/ECF users will be the primary method of communicating important information about changes resulting from the new bankruptcy law.

The Court's web page contains a variety of information including links to copies of the Reform Act, Interim Rules and Forms, fee updates and

other related information.

Notices concerning the CM/ECF system will be posted on the CM/ECF login page.

Beginning in October, Court personnel will begin conducting Question & Answer (Q&A) sessions at 341 Meeting locations throughout the district. The sessions are tentatively scheduled as follows:

October 5, 2005 - Gainesville
October 7, 2005 - Panama City
October 11, 2005 - Tallahassee
October 12, 2005 - Pensacola

Court staff will be available on these dates during the 341 Meetings to speak individually to attorneys and

legal assistants about changes in office procedures and changes to the CM/ECF system. Although Court staff cannot give legal advice, written documentation about the changes will be provided and personnel will be available to answer questions related to the new procedures.

After conclusion of the 341 Meetings there will be a group Q&A Session in each location. Attorneys and key members of their legal staff are encouraged to plan to attend at least one session.

For more information about the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, please visit the Court's web site at www.flnb.uscourts.gov.

Business As Usual During Hurricane Dennis With CM/ECF System

When Hurricane Dennis struck the Gulf coast on July 10, 2005, the U.S. Bankruptcy Court was ready. With the memory of Hurricane Ivan last fall still fresh in their minds, the Clerk's Office was prepared for the worst.

Although the Clerk's Office was spared from severe damage this time, the Pensacola office was unable to open for several days due to a loss of power to the downtown area. During this time, however, pleadings and

new cases for the Pensacola Division continued to be filed in the CM/ECF system.

Even while the building was closed, attorneys, trustees and creditors were able to file documents from their homes, offices or wherever they could find an internet connection. Likewise, the Clerk's Office in Tallahassee was able to perform quality control and process orders on Pensacola cases without delay. The CM/ECF system never lost power and the district

recovery plan did not have to be activated.

Even before the office reopened in Pensacola, Clerk's staff were able to work with the trustees and generate notices of rescheduled creditor meetings. Details about rescheduled hearings and creditor meetings were posted on the Court's web page.

Attorneys are encouraged to visit the Court's web page for more information in the event of future emergency situations.

Tallahassee Office Welcomes New Case Administrator

The Office of the Clerk is pleased to welcome Tonya Scott to the Court family in the Northern District of Florida. Tonya joined us on July 25, 2005 from the U.S. Bankruptcy Court for the Western District of Washington (Seattle) where she served as a Case Manager since 2001. Originally from Michigan, Tonya holds a B.A. in

Business Administration from Michigan State University and has 19 years of combined experience in state and federal courts.

We're confident you will find her knowledge and experience to be a real asset to the Northern District of Florida as she assumes her duties as a Case Administrator in the Tallahassee office.



Tonya Scott

THE CLERK'S CORNER

By: Bill Blevins, Clerk of Court



Bankruptcy Coverage Close to Home and Back to School



Well, the dog days of summer have quickly come to an end and the family routines for school and the fall are finally starting to take hold. Very much of the same can be said for all of us who work in the bankruptcy world with the new Code requiring us to go back to “school” and establish some new routines in preparation for October 17.



In this regard, I hope we are able to assist through the informative items in this newsletter that outline the important dates, meetings, and communication opportunities detailing how the Clerk's Office is going to provide that helpful coverage close to home that was mentioned in the last edition.



Try to enjoy these last few weeks under the old Code while also trying to contain the eagerness to go ahead and get started already. I look forward to seeing and working with all of you this new Code “school year”. I know we will make it one to remember.....

Given the delay in getting this edition out due to Hurricane Katrina, please allow me, on behalf of the Clerk's Office, to again relay our sincere thanks to you for the patience and support provided during our telecom and ECF struggles brought on by this intense storm. It is truly appreciated.

Reduced Paper Module

The Clerk's Office is currently testing and evaluating the Reduced Paper Module (RPM) which eliminates most redundant paper notices for CM/ECF users who receive notices by email. The RPM will reduce costs for the judiciary by reducing the number of paper notices mailed from the Bankruptcy Noticing Center (BNC). It will also relieve attorneys from receiving burdensome paper notices which duplicate email notices already created by the CM/ECF system. The 341 Meeting notices containing social security numbers will continue to be mailed.

The RPM is scheduled to be implemented district-wide when the CM/ECF system is upgraded in mid-October.

Motion Still Required When Hearing Cancellation Requested

On June 20, 2005, a new tool for requesting cancellation of a hearing was introduced in the Northern District of Florida. The procedure includes selecting a link under the Bankruptcy menu item of the CM/ECF system. The menu item prompts the user for the debtor's name, case number, creditor and the reason the hearing should be cancelled. The system is designed to allow attorneys to notify the Court of last minute cancellations due to settlement or continuance of a pending matter. The new tool allows Court staff to print a report showing cancellation requests so that appropriate items can be removed from the Court calendar.

Many attorneys, however, have mistakenly used the cancellation tool in lieu of a proper motion to request cancellation of a hearing due to an agreed continuance.

Attorneys are reminded that making a request in this manner is not recognized as a formal request. Using the menu item only notifies the Court that a request is being made to have a hearing removed from the calendar. The tool does not create a docket entry and no requests are granted based on the use of the menu item. To request continuance of a hearing, the attorney should use the tool to request the matter be removed from the calendar but then must file an appropriate motion and submit a proposed order by email.

Filing Fee Changes



- ◆ Adversary Filing fees will increase to \$250.00 effective **September 20, 2005**.
- ◆ Filing fees for new petitions will change on **October 17, 2005** as follows:

Chapter 7	\$274 (Increase from \$209)
Chapter 11	\$1,039 (Increase from \$839)
Chapter 13	\$189 (Decrease from \$194)
Chapter 15	\$1,039 (New Chapter)

For a complete fee schedule please visit www.flnb.uscourts.gov

CM/ECF Operations Restored After Disruption By Hurricane Katrina

When Hurricane Katrina came ashore on August 29, 2005, she left unspeakable human tragedy and destruction in her wake. Numerous communities along the Gulf coast and inland fell victim to the powerful winds, torrential rain and storm surge.

At this time, most operations of Courts directly in the path of Katrina have been suspended until further notice. Congress recently passed legislation which allows these Courts to conduct Court business outside the district's geographic boundaries. In doing so, limited operations will return as employees are

relocated to other districts.

Other Courts which were affected, although not so gravely, are almost back to normal. The Judiciary's primary long distance and internet provider suffered a severe blow from Katrina when their switching station in New Orleans flooded. The flooding of the telecommunications equipment caused internet and telephone outages throughout 13 Courts in the Fifth and Eleventh Circuits, including the Northern District of Florida. Many Courts, including the Bankruptcy Court offices in Tallahassee and Pensacola, still do not have long distance

service and encountered brief interruptions in internet services thereby shutting down all CM/ECF operations for a period of time.

Court personnel worked diligently to reestablish service to CM/ECF and the Northern District of Florida was able to resume access to the Electronic Case Filing system after being shut down for approximately 24 hours. An Emergency Order was entered by Judge Killian acknowledging that the system was unavailable for electronic filing during the disruption of services.



Training Opportunities

The office of the U.S. Trustee will conduct seminars on the new "means test" form in each division as follows:

Pensacola	September 29 (after Court hearings)
Panama City	September 30 (after Court hearings)
Gainesville	October 6 (after 341 meetings)
Tallahassee	October 11 (10:00 a.m.)

The Clerk's Office will conduct Q & A sessions on changes in procedures and ECF events in each division as follows:

Gainesville	October 5 (after 341 meetings)
Panama City	October 7 (after 341 meetings)
Tallahassee	October 11 (after 341 meetings)
Pensacola	October 12 (after 341 meetings)

"Select the Category" Screen Removed By Popular Demand

When filing a document in the CM/ECF system, have you ever encountered a screen that asked you to "Select the Category To Which Your Event Relates"? You probably knew which document you wanted to link your pleading to, but who has time to figure out what *category* it might be in? In frustration, you may have just picked a category and ended up linking your document to something that really did not relate directly to what you were filing.

As a result of overwhelming feedback from users, the Court has eliminated the "Select the Category" screen from the docketing process.

Select the category to which your event relates.

ECF users filing pleadings that need to be linked to other documents are no longer prompted to select the category before being presented with the list of documents filed in the case. Instead, all documents filed in the case will be displayed.

Elimination of this screen should reduce the problems associated with incorrect linkage and will reduce the number of keystrokes necessary for filing documents.

Clarification: In the June 1, 2005 issue of *"The Bankruptcy Advisor,"* it was reported that the debtor's name appeared on the Pay.gov receipt. The name actually appears on the screen which immediately precedes the Pay.gov receipt.

Pay.gov Certified Only With Internet Explorer

Effective August 28, 2005, CM/ECF users paying filing fees by credit card through the U.S. Treasury's Pay.gov system may have noticed that their web browser no longer allows them the option to pay filing fees online. Testing of the most recent version (version 3.2) of the Pay.gov system revealed that the newest edition of the software is not compatible with Netscape. Internet Explorer is the only web browser certified and supported by the Pay.gov system. The latest version of Pay.gov is was deployed on August 28, 2005.

Although Internet Explorer is the only web browser supported by Pay.gov, there could be other browsers, other than Netscape, which work with the newest version of the fee payment software. Users who want to test their web browser to determine whether or not their application will work may test the system in the CM/ECF training database. A link for the training database can be found on the CM/ECF page of the Court's web site.

The Administrative Office of the Courts had originally planned to deploy the new version of Pay.gov in July 2005. The release was postponed so that the Courts, the bar and others could be apprised of the situation.

Attorneys are encouraged to use Internet Explorer version 5.5 or higher for all fee payments. Netscape will continue to work with CM/ECF so long as interaction with Pay.gov for fee payments is not necessary.

Procedure for Objecting to Claim of I.R.S.

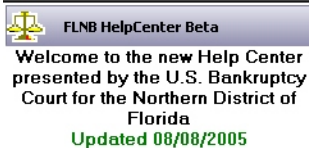
Many debtors' attorneys routinely file an Objection to Claim with negative notice language as a matter of course. Creditors are given time to respond to the objection and if no response is filed, an order is entered either allowing or disallowing the claim.

Attorneys practicing in the Northern District of Florida, however, should be aware that the procedure is different when objecting to claims of the Internal Revenue Service or any other agency of the federal government.

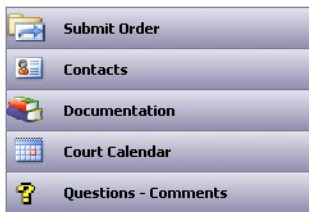
The guidelines for objecting to claims can be found under Rule 3007-1 of the Local Bankruptcy Rules. The rule states how objections are to be made as well as the time and manner to respond to objections. A footnote to the rule reads *"in no instance shall this rule be used in filing objections to claims of federal governmental units."* Therefore, objections to claims filed by the I.R.S. cannot be sustained upon negative notice. In those instances, service on the government agency should be made in the same manner as serving a government agency pursuant to Rule 7004(b)(4) of the Bankruptcy Rules. After notice of service on a government agency is made, a hearing will then be scheduled on the objection to the claim of the governmental agency.

FLNB "HelpCenter" Tool Bar Coming Soon

A new tool bar designed and created by Court staff in the Northern District of Florida is now being tested and will be released to attorneys later this year. The tool bar, named the FLNB HelpCenter, is designed to support attorneys and other registered users of the CM/ECF system by providing online assistance, contact information, manuals, hearing calendar and an order emailing component – without leaving the ECF environment.



*Click [here](#) Take a look at the new FLNB Court Forums



The tool bar is easily installed on your computer at no charge and will provide features that are readily accessible at the same time you are using the ECF system. When the tool bar is installed on your computer, it will look something like the figure at left.

Each button on the tool bar will allow the user to interact in some manner with the Court without having to logout of the ECF system or open a new program. For example, a user can submit a proposed order to the Court directly from the toolbar without having to open an email

program. Just click the Submit Order button, fill in the information requested, then browse and attach your proposed order. The user can even choose to receive a confirmation email that the order has been received by the Court.

The Contacts button on the tool bar gives direct contact information for the help desk, technical support and all case administrators in the Northern District of Florida.

The Documentation button will contain direct links to our Local Rules, Attorney Manual for CM/ECF, the Credit Card Manual (Pay.gov) and downloadable forms. Documentation will also include information and forms required under the Bankruptcy Reform Act as that data becomes available.

ECF users will be able to click the Court Calendar button on the toolbar to check Court hearing dates and Section 341 meeting dates, or both.

Another feature includes immediate access to the Court Help Desk. The comments button allows you to submit questions or comments directly to the Help Desk while still logged into the CM/ECF system.

The FLNB HelpCenter tool bar will be a source of valuable helpful information and timesaving support for all CM/ECF users. The tool bar is expected to be released to attorneys in November. Information for receiving and installing the tool bar will be made available in the upcoming weeks.

Court Calendar						
Court 341 Both						
August 2005						
S	M	T	W	T	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10
Court Calendar: 8/24/2005						
Time	Location	# of Cases	Judge			

Email Subject Line Modified

Attorneys with a regular bankruptcy practice in the Northern District of Florida have noticed changes in recent weeks to the subject line of email notifying users of a filing in the CM/ECF system.

The original idea of the modification was to include the case chapter number in the email subject line. Attorneys suggested this change in that it would be useful for identifying claims filed in Chapter 13 cases versus Chapter 7 cases.

Subsequent to making the change in late July, 2005, the Court learned that the modification impacted all emails generated by the CM/ECF system and not just those emails notifying users of a Proof of Claim. Because of the change, the subject became cluttered with information which displaced other desired case information. The result was that attorneys had to open each email to determine what had been filed.

As a result of input from CM/ECF users, the email subject line was modified again on August 22, 2005 so chapter numbers appear on the subject line only for those emails notifying users of a Proof of Claim filed.

The Office of the Clerk apologizes for the unintentional change in the system and the inconvenience it caused. We make every effort to inform registered users about substantive changes in the system before they are made. What was intended to be a minor change had a much larger impact than what we intended or desired. All of us offer our thanks to you for working with us to improve the system and for your patience when things don't always go according to plan.

Notice - The Interim Rules and Official Bankruptcy Forms have been updated and are available on the Court's web page.

ECF ESSENTIALS

The CM/ECF system continues to evolve. Listed below are new items, tips and reminders about using the system.

- The list of filing events was updated on June 24, 2005 and can be found on the CM/ECF page of the Court's web site. New events added after publication of the list can be found under the link titled "*New and Modified Events*."
- If you are having difficulty paying fees using Pay.gov, make sure the pop-up blocker on your web browser is turned off.
- An event called "*Motion to Delay Discharge*" has been added to the Bankruptcy category. This event is most often used by debtors who want to postpone the discharge until certain reaffirmation agreements have been filed.

Making Changes To Your ECF Account Information

If you need to make a change to your ECF account information, login to the ECF system with your Court-provided login and password and click on the "Utilities" category in the main menu bar. Click the "Maintain Your ECF Account" link and make the changes. If you make changes to your email or password information, be sure to click the Return to Account Screen button and then click all subsequent SUBMIT buttons so that the information can be saved.

Some limited users have restricted access to the system and are unable to make changes to your ECF account information. If you need assistance making changes to your account please contact Kathy Conn at 850-435-8481 or send an email to the help desk personnel at CMECF_helpdesk@flnb.uscourts.gov.

Sharing Information Just Got A Little Easier

Attorneys and other CM/ECF users now have the opportunity to post questions and comments about the 2005 Bankruptcy Reform Act on the new FLNB Court Forums.

The FLNB Court Forums, released on September 9, 2005, operates like a message board between attorneys and Court staff members. Users are able to submit questions, comments or suggestions regarding Court procedures and the new bankruptcy law. Court staff members will view the items which have been posted and will submit written responses which can be viewed by all users.

Not only are attorneys able to submit questions but they will also be able to review questions and answers submitted by others. The Clerk's

Office hopes that sharing information in this manner will enable users to become familiar with new procedures before full implementation of the Reform Act.

The plan for future use of the forum includes broadening the use of the platform to allow attorneys to respond directly to comments or questions posted by other attorneys. The goal is to create an atmosphere where attorneys and law firms can interact directly with one another about bankruptcy related matters.

A link to the FLNB Court Forums page is now available on the Court's website. Registration is free and provides full access to view messages posted by others or to post your own question or comment.

Claim Form Revised

The official Proof of Claim form has been revised and is now available on the Court web page. The new form (Form B10) dated April, 2005 was revised to reflect changes in dollar limits and time constraints which were changed by the enactment of the 2005 Bankruptcy Reform Act signed into law on April 20, 2005.

Although claims filed on the prior version of the form will continue to be accepted by the Clerk's Office, parties filing claims are requested to use the new official Proof of Claim form for claims filed in any cases filed after April 20, 2005.

The form can be printed or saved by going to the Court's web page at www.flnb.uscourts.gov and looking under the heading titled *Forms*.

Bankruptcy Bar Association Announces Annual Seminar

The Northern District of Florida Bankruptcy Bar Association will conduct its annual meeting and seminar on Friday, October 14, 2005 at the Hilton Sandestin Beach Golf Resort & Spa. The schedule of events includes an informal golfing event and a cocktail reception on the evening preceding the meeting.

This years' speakers will cover important current topics of interest including the 2005 Bankruptcy Reform Act. Scheduled speakers include: Charles Edwards, Asst. U.S. Trustee, Bill Blevins, Bankruptcy Court Clerk, William Bond, Philip Bates, Sally Bussell-Fox, Judge Lewis M. Killian, Jr., Judge Margaret S. Mahoney and James Sorenson.

The program has been submitted for six hours of Florida Bar CLE credits including one hour of ethics credit. (Approval is pending.)

For additional information about the seminar, golf outing or to find out how to register, please contact Scott Remington in Pensacola.

FLNB RESOURCES

MAIN PHONE NUMBERS:

Tallahassee: (850) 521-5001

Pensacola: (850) 435-8475

HELP DESK:

Tallahassee, Gainesville & Panama City Divisions
(888) 765-1752

Pensacola Division
(888) 765-1751

E-mail Help: CMECF_helpdesk@flnb.uscourts.gov

EMAIL ADDRESS FOR PROPOSED ORDERS:

*Cases filed in Tallahassee, Gainesville
or Panama City Divisions:*

TLH_Orders@flnb.uscourts.gov

Cases filed in Pensacola Division:

PNS_Orders@flnb.uscourts.gov

COURT WEB SITE:

www.flnb.uscourts.gov

**Northern District Bankruptcy Filings
2004 vs. 2005**

